



Working with Communities – Implementing Geological Disposal

Response form

The consultation is available at: <https://www.gov.uk/government/consultations/working-with-communities-implementing-geological-disposal>

The closing date for receipt of responses is 19/04/2018

Please return completed forms by post or email to:

GDF Team
Department for Business, Energy and Industrial Strategy
3rd Floor Victoria
1 Victoria Street
SW1H0ET

Tel: 020 7215 5000

Email: GDF-WWC@beis.gov.uk

About You

We will only use your personal information for the purpose of administering the consultation and assessing the responses.

Name (This is a required response): Folkestone & Hythe District Council

Address / Postcode: Civic Centre, Castle Hill Avenue, FOLKESTONE CT20 2QY

Email Address: dave.illsley@shepway.gov.uk

Would you like to be updated on Working with Communities policy developments by email? If you answer yes to this question, your email address will be added to our delivery body's mailing list.

Yes

No

Are you happy to be contacted if we have any questions about your response? This is a required response.

Yes

No

Are you happy for your response to be published with identifying information? This is a required response.

We will summarise all responses and place this summary on the GOV.UK website. This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

Yes

No, I would like identifying information removed

Comments: [Click here to enter text.](#)

Are you happy for your response to be disclosed? This is a required response.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information legislation (primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential, please say so clearly in writing when you send your response to the consultation. It would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded by us as a confidentiality request.

Yes

No, I want my response to be treated as confidential

Comments: [Click here to enter text.](#)

Are you answering on behalf of yourself or an organisation? This is a required response.

I am responding on behalf of myself.

I am responding on behalf of an organisation.

About you - Organisations

If you are responding as an individual, you do not need to answer the rest of this section, go directly to the section titled 'Responding to this Consultation'. **If you are answering on behalf of an organisation, a response is required to the rest of this section.**

What is the name of your organisation? Folkestone and Hythe District Council (from 1st April 2018).

Who does this organisation represent? Communities of Folkestone and Hythe District.

What type of organisation is it? Local Authority.

Please tick **one** box in the table.

	Organisation
<input checked="" type="checkbox"/>	Local Authority
<input type="checkbox"/>	Local Enterprise Partnership
<input type="checkbox"/>	Civil Society Group
<input type="checkbox"/>	Regulator
<input type="checkbox"/>	Charity
<input type="checkbox"/>	Business
<input type="checkbox"/>	Non-Governmental Organisation
<input type="checkbox"/>	Religious Organisation
<input type="checkbox"/>	Academic Institution
<input type="checkbox"/>	Other

If you have selected other, or would like to provide more information, please provide further details. [Click here to enter text.](#)

Approximately, how many members are there of / employees are there in your organisation?

<input type="checkbox"/>	1 – 10
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<input type="checkbox"/>	11 – 49
<input type="checkbox"/>	50 – 249
<input checked="" type="checkbox"/>	250 - 999
<input type="checkbox"/>	1000 - 4999
<input type="checkbox"/>	5000 or more
<input type="checkbox"/>	Don't know

How did you assemble the views of your members?

Please answer here Individual Member's Response

Responding to this consultation

The questions in this consultation are structured around the 8 main policy points that we believe are key to the Working with Communities policy proposals:

1. Identifying communities
2. Formative Engagement
3. Community Partnership
4. Community Stakeholder Forum
5. Community Agreement
6. Community investment funding
7. Right of withdrawal
8. Test of public support

There will be 10 questions overall, and you can respond to all sections of the consultation, or skip those sections which don't interest you.

Each section contains a brief overview of the consultation document and directs you to further information within the consultation document.

Further information on the consultation, policy proposals and background and context on geological disposal can be found in paragraphs 1.1 to 4.4 of the consultation document.

How did you hear about this consultation?

<input checked="" type="checkbox"/>	Gov.uk website
<input type="checkbox"/>	National Media
<input type="checkbox"/>	Social Media
<input type="checkbox"/>	Local Media
<input type="checkbox"/>	Professional Body
<input checked="" type="checkbox"/>	Non-Governmental Organisation (NGO)
<input type="checkbox"/>	Other
<input type="checkbox"/>	Prefer not to say

If you would like, you can provide further details about how you heard of this consultation.

Please answer here: The council is a member of the Nuclear Legacy Advisory Forum "NuLeAF" and GDF has been regularly discussed at NuLeAF meetings.

Identifying Communities

The proposal

Evidence from other infrastructure projects has shown that there is no single agreed approach to identifying the boundaries of a local community. The proposals in this consultation use a combination of the impacts of the development and administrative boundaries. It is proposed that a wide Search Area is identified initially, working towards the identification of a smaller area – which will be deemed as a 'Potential Host Community' – as the siting process progresses and the surface and underground sites for a geological disposal facility identified.

A community needs to be identified at the right point to enable the appropriate engagement, which may also include the relevant principal local authorities. This will provide the basis for fair and transparent community engagement for the distribution of community investment funding; to enable the right of withdrawal from the siting process to be exercised; and if the community remains supportive after the engagement and information gathering process, to undertake the final test of public support.

Further information on the policy proposals can be found in paragraphs 4.5 to 4.21 of the consultation document.

1. Do you agree with this approach of identifying communities? Do you have any other suggestions that we should consider?

Please answer here: [Click here to enter text.](#)

Formative Engagement

The proposal

Discussions can be initiated by anyone with an interest in a geological disposal facility siting process. To ensure an open, transparent and broad conversation as the siting process progresses, these discussions should be opened up to include people more widely in the community. To move into formative engagement, all principal local authorities should be informed and involved, unless they are content for formative engagement to proceed without their involvement.

To support this aim, a formative engagement team will be established to help build confidence in the community engagement process and to start to understand and answer any questions the community may have. The formative engagement team may include representatives from local government including the relevant principal local authorities. It will also need to include the delivery body, an independent chair and facilitators to ensure transparent, appropriate and constructive discussions.

To help communities shape their role in these early discussions, the delivery body will cover the costs of community engagement activities and provide access to independent support.

Further information on the policy proposals can be found in paragraphs 4.22 to 4.36 of the consultation document.

2. Do you agree with the approach of formative engagement? Do you support the use of a formative engagement team to carry out information gathering activities? Are there any other approaches we should consider?

Please answer here: A period of formative engagement seems to be a useful stage, offering an objective approach to developing awareness. However, while there is discussion about engagement funding there is no indication of the likely levels of support that might be provided during this stage, and it would be helpful to any community considering participating to be clear on this.

There is little information about financial and technical support for communities during the period prior to formative engagement – the initial discussions. During this period soundings might be taken to establish whether or not a community would want to come forward to express an interest in formative engagement. This could be a time consuming, expensive and delicate process in its own right and its importance should not be underplayed. Without clarity on the type of support that would be available for this stage communities may not wish to embark on the process.

The draft WWC policy also gives principal authorities the option not to participate in Formative Engagement provided that they "...are content for it to continue without their involvement." The policy does not say what would happen if a principal authority was not content for formative engagement to continue, or actively objected to its being started. Given the weight that the draft policy gives to the views of principal authorities at later stages, there may be little point in starting formative engagement in an area

where non-participation or active objection by a principal authority was likely. This will limit the chances of the GDF programme being successfully implemented.

The Community Partnership and Community Agreement

The proposals

For the siting process to be successful, the delivery body will need to work in partnership with representatives of the relevant principal local authorities and other representative members of the local community if they wish to be involved, which could include parish, town or community councils, residents, businesses and voluntary and community organisations (refer to Table 3 of the Working with Communities Consultation Document). It is proposed that a Community Partnership would be formed from organisations identified during formative engagement as important to the local area. The Community Partnership should also involve members from the delivery body. Members of the Community Partnership will be responsible for sharing information between the community and the delivery body and entering into dialogue with people more widely in the community about a geological disposal facility.

An agreement will be signed by the Community Partnership to establish a suitable level of engagement and agreement on ways of working between the delivery body and the community throughout the siting process. The agreement will be used to track progress and will enable the community members to hold the delivery body to account in the provision of information.

A community is constructively engaged in the siting process when a Community Partnership has been formed and there is a Community Agreement in place. At this point community investment funding of up to £1 million per community, per year, is made available.

To support the operation of the Community Partnership, a Community Stakeholder Forum could be set up to provide outreach to the people in the community more widely. The Community Stakeholder Forum is proposed to be chaired by a member of the community partnership, and could take the form of open public meetings inviting people from the Search Area and neighbouring local authority areas (as appropriate) to discuss the siting process. This would allow questions to be asked and concerns to be raised and for updates to be provided on the work of the Community Partnership. These meetings could be held at regular intervals and could ensure that anyone who wants to know more about the work of the Community Partnership has an opportunity to do so.

Further information on the policy proposals can be found in paragraphs 4.37 to 4.59 of the consultation document.

3. Do you agree with this approach to forming a Community Partnership? Are there other approaches we should consider?

Please answer here: Local authorities are rightly identified as being integral to the process, but the draft WWC policy has introduced what is effectively a right of veto for principal authorities. This was not present in the 2014 White Paper and could lead to a

repeat of the experience in the Cumbria where the process was halted following the withdrawal of one principal authority. In areas where one principal authority is unlikely to become a member of a community partnership, or objects to the process it is unlikely that there will be any point in the siting process starting. Similarly if a principal authority does join a community partnership but does not remain engaged, does not help to participate in the process, or actually objects to the process taking place then the process could not effectively proceed. This effective right of veto will limit the chances of the GDF programme being implemented and it is recommended that the 2014 White Paper position be adhered to.

4. Do you agree with the approach to engaging people more widely in the community through a Community Stakeholder Forum? Are there other approaches we should consider?

Please answer here: [Click here to enter text.](#)

5. Do you agree with the proposal for a Community Agreement and what it could potentially include? Are there other approaches we should consider?

Please answer here: [Click here to enter text.](#)

Community investment funding

The Proposal

The Government will make community investment funding available via the delivery body of up to £1 million per community, per year in the early part of the geological disposal facility siting process, rising to up to £2.5 million per community, per year for communities that progress to deep investigative boreholes that are needed to assess the potential geological suitability of sites. Community investment funding can only be used to fund projects, schemes or initiatives that: provide economic development opportunities, enhance the natural and built environment, and/or improve community well-being. A community investment panel, made up of members of the community and the delivery body would review and decide on applications for funding against agreed criteria. Applications for community investment funding can be made by anyone within the Search Area.

Further information on the policy proposals can be found in paragraphs 4.60 to 4.73 of the consultation document.

6. Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?

Please answer here: [Click here to enter text.](#)

Right of withdrawal

The proposals

Communities can enact their right of withdrawal at any stage of the siting process; the geological disposal facility delivery body can also withdraw at any stage if they determine that the siting process is unlikely to be successful in a particular community.

Should the right of withdrawal be enacted prior to the siting process having progressed to identifying a Potential Host Community, the people within the Search Area would decide whether they wish to withdraw from discussions.

Further information on the policy proposals can be found in paragraphs 4.74 to 4.82 of the consultation document.

7. Do you agree with the proposed process for the right of withdrawal? Do you have views on how else this could be decided? Are there alternatives that we should consider?

Please answer here: [Click here to enter text.](#)

Test of Public Support

The proposal

Before a final decision is made by the delivery body to seek regulatory approval and development consent to proceed with the construction of a geological disposal facility at a particular site, there must be a test to ensure that there is public support to proceed. The test is designed to elicit a final view from the people in the community as to whether they are content for the delivery body to proceed to apply for development consent for a geological disposal facility in their area, and other permissions to proceed from the environmental and nuclear safety and security regulators. The test could be carried out using a range of methods, including a local referendum, a formal consultation or statistically representative polling.

The test will be undertaken by the people within the Potential Host Community, as they will be directly affected by the proposed geological disposal facility development. The Community Partnership will decide when the test of public support should take place and the method by which it is delivered. If at this stage, the principal local authority representatives no longer wish to support the process proceeding, then we recognise it is unlikely that the Community Partnership will be able to launch any test of public support at that time. Without a positive test of public support, a final decision by the delivery body to proceed with the subsequent stages will not be possible.

Further information on the policy proposals can be found in paragraphs 4.83 to 4.89 of the consultation document.

8. Do you agree with the approach to the test of public support? Do you agree that the Community Partnership should decide how and when the test of public

support should be carried out? Do you have views on how else this could be decided? Are there alternatives that we should consider?

Please answer here: *Local authorities are rightly identified as being integral to the process, but the draft WWC policy has introduced what is effectively a right of veto for principal authorities. This was not present in the 2014 White Paper and could lead to a repeat of the experience in the Cumbria. In areas where one principal authority is unlikely to support the process proceeding or actually objects to the process taking place, there will be little point in the siting process starting. This effective right of veto will severely limit the chances of the GDF programme being implemented and it is recommended that the 2014 White Paper position be adhered to.*

The Role of County Councils, Unitary Authorities and District Councils

The proposals

This consultation includes proposals which set out clear roles for relevant principal local authorities to perform within the siting process. The relevant principal local authorities for each community will be able to demonstrate their support for engagement with the siting process and the Community Partnership through:

- choosing to be members of the Community Partnership;
- as members of the Community Partnership, deciding to remain engaged in the siting process by not wishing to invoke the right to withdrawal through the Community Partnership; and
- deciding whether to support the test of public support that comes at the end of the engagement process. Relevant principal local authorities will also need to help design and launch this test as part of their role in the Community Partnership.

Further information on the policy proposals can be found in paragraphs 5.1 to 5.12 of the consultation document.

9. Do you feel this process provides suitably defined roles for local authorities in the siting process? Are there alternatives that we should consider?

Please answer here: *Local authorities are rightly identified as being integral to the process, but the draft WWC policy has introduced what is effectively a right of veto for principal authorities. This was not present in the 2014 White Paper and could lead to a repeat of the experience in the Cumbria. In areas where one principal authority is unlikely to become a member of the community partnership, does not remain engaged, does not help to participate in the process, or actually objects to the process taking place, it is unlikely that there will be any point in the siting process even starting. This effective right of veto will limit the chances of the GDF programme being implemented and it is recommended that the 2014 White Paper position be adhered to.*

Other Views

10. Do you have any other views on the matters presented in this consultation?

Please answer here:

The White Paper stated that further policy work would define a clear framework for working with communities during the Siting Process. The draft policy would be improved by providing more clarity on the Siting Process, how the policy will be applied in practice, and how it might play out for the different communities that might consider participating, especially in relation to the very early stages of the process. Though the policy tries to be flexible to cater to the different communities and the roles of the different participants and stakeholders, it would benefit from a sufficient reassurance of a robust and clear process, and therefore commitment to it from Government.

For example, with three main strands of work proceeding (Geology, Land Use Planning, Working With Communities), there is a risk that the process will become difficult for potentially interested communities to comprehend and engage with. It is recommended that once the three main strands of work have come to clear conclusions that a single “accessible” overarching document/road map is produced which demonstrates how the process will take place, how the strands of work inter-relate and how communities can engage with the process.

This would help to provide communities with the confidence that the Siting Process will maintain momentum and is likely to be successful and would provide some assurance, that the delivery body has both capacity and capability engage with multiple communities equipped with detailed understanding of the process, but progressing at different speeds. To achieve this, clarity as to the requirements on the delivery body embedded in the policy would be helpful.

End of response form

Thank you for completing the consultation.

Once this consultation has closed, the Government will consider comments received and publish a summary of the consultation responses and its final policy decision. The delivery body will produce more detailed guidance as to how the siting process will work in practice.